

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

V.

MICHAEL MAIDEN,

Defendant.

Case No. 2:11-cr-00046-APG-VCF

ORDER DENYING MOTION TO CORRECT CLERICAL ERROR

(ECF No. 56)

10 Defendant Michael Maiden filed a motion seeking to correct an alleged clerical error in his
11 sentence so that it gives him credit for the 20 months that he was in state court custody prior to his
12 federal sentencing. ECF No. 56. In the alternative, Maiden requests that I give him “nunc pro tunc
13 credit” for that same period. ECF No. 63. The Government opposes the motion. ECF No. 59.

14 Maiden was sentenced by Senior Judge Roger L. Hunt. ECF No. 53. I have reviewed the
15 transcript of the sentencing hearing (ECF No. 58). The transcript contains no discussion about
16 credit for time served in state custody or running the federal sentence concurrent with or
17 consecutive to the state sentence. Nor does the parties' plea memorandum contain any such
18 discussion. ECF No. 50. Maiden believes the discussion occurred after the court reporter stopped
19 reporting at the sentencing hearing. ECF No. 63 at 1. But there is no evidence of any such
20 discussion, the government does not agree with Maiden's request, and I have no reason to alter the
21 judgment entered by Judge Hunt. Maiden's motion will be denied.

22 Maiden also requests that I state whether I object to his request that the federal Bureau of
23 Prisons “grant him a ‘nunc pro tunc’ designation of the Nevada State Prison for service of his
24 federal sentence, in order to accommodate the State Court’s Judgement (sic) Order that the State
25 Sentence be concurrent to the Federal Sentence.” ECF No. 56 at 3. I have no information regarding
26 the state court’s sentencing, particularly whether the state court ordered Maiden’s time be served
27 concurrently or consecutively to the federal sentence. And again, there is nothing in the federal

1 record about that issue. Therefore, I take no position on Maiden's request to the federal Bureau of
2 Prisons.

3 IT IS HEREBY ORDERED that the defendant's motion to correct clerical order (ECF No.
4 **56**) is DENIED.

5 Dated: August 4, 2017.



6
7
8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
